

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UNOMEDICAL A/S,  Plaintiff,  v.  SMITHS MEDICAL MD, INC.,  Defendant.	Civil Action No.: 09-4375  Honorable Blanche M. Manning
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**UNOMEDICAL'S RESPONSE TO SMITHS MEDICAL'S  
MOTION FOR A PARTIAL STAY**

Unomedical does not oppose Smiths' Motion for a Partial Stay [Doc. 74], subject to one important clarification not directly addressed in Smiths' papers. Unomedical does oppose any stay relating to Unomedical's pending Motion To Compel The Return Or Destruction Of Documents Containing Confidential Information And Attorney-Client Communications [Doc. 61]. Unomedical's Motion to Compel is necessary regardless of whether the Court stays the Motion to Disqualify. Unomedical's Motion to Compel addresses the protection of its confidential information and attorney-client communications, and seeks to have Smiths and K&E identify the recipients of such information and communications, collect and either return or destroy such information and communications, and certify any such destruction; issues totally unrelated to the disqualification motion.<sup>1</sup>

Further, Smiths' Motion for a Partial Stay underscores the urgency of the disposition of Unomedical's Motion to Compel. The Motion to Compel should be addressed immediately and before the sale of Smiths' product line in order to prevent any potential further disclosure of Unomedical's confidential and privileged communications, such as to the substitution counsel K&E believes will be brought into this case. In fact, in view of the soon-to-occur sale, should

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<sup>1</sup> The parties are attempting to work out an agreement regarding the collection and destruction of Unomedical's confidential information and privileged communications and will notify the Court if an agreement is reached. However, should the parties be unable to reach an agreement, the Court's disposition on the Motion to Compel will be necessary.

the Court grant Unomedical's Motion to Compel, Unomedical requests that Smiths and K&E be required to comply with its Order within seven days.

Respectfully submitted,

Dated: October 20, 2009

/s/Anastasia Heffner  
Robert S. Mallin, Esq.  
Anastasia Heffner, Esq.  
Benjamin C. Findley, Esq.  
BRINKS HOFER GILSON & LIONE  
NBC Tower, Suite 3600  
455 N. Cityfront Plaza Dr.  
Chicago, IL 60611  
Telephone: (312) 321-4200  
Facsimile: (312) 321-4299  
rmallin@usebrinks.com  
aheffner@usebrinks.com  
bfindley@usebrinks.com

Attorneys for Plaintiff  
UNOMEDICAL A/S

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that a true and correct copy of Unomedical's Response To Smiths Medical's Motion For Partial Stay was served on this 20th day of October, 2009, to the following attorneys:

**VIA NOTICE OF ELECTRONIC  
FILING THROUGH CM/ECF SYSTEM**

Barry F. Irwin  
Matthew D. Satchwell  
Sarah L. Burstein  
Kirkland & Ellis LLP  
300 N. LaSalle Street  
Chicago, IL 60654

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/s/Anastasia Heffner